

Entered -08/28/00 - sb

CL 00L0500 - GWENDOLYN BURNS

CLAIM OF: Topper Limousine, Inc.

ATTN: Miki Bacher

1646 Roswell Road

Marietta, Georgia 30064


00- R -1587

For vehicular damages alleged to have been sustained from a metal plate that was not properly secured to the roadway on August 1, 2000 at Pryor Street, SW and Mitchell Street, SW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Topper Limousine, Inc.**, the sum of **\$1,763.57** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular incident on August 1, 2000 at Pryor Street, SW and Mitchell Street, SW as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0500

Date: September 28, 2000

Claimant /Victim TOPPER LIMOUSINE, INC.
BY: (Atty) (Ins. Co.) _____
Address: 1646 Roswell Road, Marietta, Georgia 30064
Subrogation: _____ Claim for Property damage \$ 1,763.57 Bodily Injury \$ _____
Date of Notice: 8/16/00 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/1/00 Place: Pryor Street, SW & Mitchell Street, SW
Department PUBLIC WORKS Division Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was driven over a sanitary sewer metal plate that was not properly secured to the roadway.

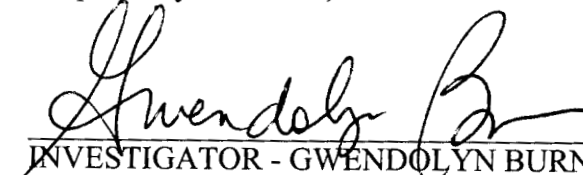
INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,763.57 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____
Claims Manager:  Concur/date 09-28-00
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date:

8-14-00

Dear Municipal Clerk:

ENTERED - 8-28-00 - SB

00L0500 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,763.57 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 8-1-00 2. Time of Incident: 9:00PM 3. Police called: X
(month/day/ year) Yes No

4. Location of incident (including street address): Prior St and Mitchell St.

5. Name of your insurance company: Interstate Insurance Policy No. GL 256609

6. State what and how incident occurred: See attached letter

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Cadillac 99 Miki 4 Kenneth Koonce
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Miki Bacher

(Print Claimant's Name)

1646 Roswell Rd

(Address)

Maricetta GA, 30064

(City, State and Zip Code)

(770) 578-1867

(Work Number)

(Home Number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0500

\$ 1,763.57

IN CONSIDERATION of the sum of ONE THOUSAND, SEVEN HUNDRED AND SIXTY-THREE AND 57/100 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular incident which occurred on or about the 28th day of August, 2000, at or near Pryor Street and Mitchell Street

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

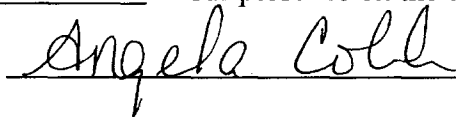
WITNESS my hand and seal this SEPTEMBER day of 26, 20 000.



(LS)
TOPPER LIMOUSINE, INC.

The above release was read and explained to, and signed by the said _____

_____ in our presence on the date above written.



WITNESSES

00- -1587